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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PATEL, DHARTI HARIDAS

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2836

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Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary	Application No. 10/822,844	Applicant(s) WIDLUND, URBAN	
	Examiner Dharti H. Patel	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-22 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/13/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2, 4, 7, 12, 19-20 and 22 are rejected under 35 U.S.C. 102(e) as being unpatentable over Lefevre Du Grosriez et al., Patent No. 6,602,575. With respect to claim 1, Lefevre teaches a stack and method for stacking folded supple sheets, a stack of material sheets [Fig. 5, 50], which material sheets have a longitudinal direction [Fig. 1a, 22] and a transverse direction [Fig. 1b, 30] and which material sheets are folded at least once in the transverse direction along a transverse folding line [Fig. 1b, 30], the material sheets being interlinked in such a way that, when a first material sheet is extracted, a predetermined part of the next material sheet is fed out [Col. 1, lines 34-38]; wherein each material sheet forming part of the stack is also folded at least once in the longitudinal direction along a longitudinal folding line [Fig. 1a, 22, Col. 1, lines 7-11], and two consecutive material sheets in the stack are folded into one another and are in this way interlinked by panels of the respective material sheets [Fig. 6, Col. 5,

lines 54-59], said panels comprising rectangles [Fig. 1a, 24, 26] each having two delimiting edges including a longitudinal fold edge and a transverse fold edge, and where the two consecutive material sheets lie stacked with the longitudinal fold edge of a first material sheet [Fig. 6, 363] arranged in the opposite direction in relation to the corresponding longitudinal fold edge of the next, second material sheet [Fig. 6, 362], and also with a panel [Fig. 6, 323] of a first material sheet [Fig. 6, 363] enclosed by two panels [Fig. 6, 342, 322] of the next material sheet [Fig. 6, 362].

With respect to claim 2, Lefevre teaches that the interlinking panel [Fig. 2, 342] constitutes a quarter of the total area of the unfolded material sheet [Fig. 6, 362].

With respect to claim 4, Lefevre teaches that the interlinking panel [Fig. 6, 342] is a square.

With respect to claim 7, Lefevre teaches that the material sheet is a tissue sheet, or a material sheet consisting of non-woven or of equivalent flexible wiping material [Col. 7, line 12].

With respect to claim 12, Lefevre teaches that the stack of materials sheets is arranged in a dispenser [Col. 1, lines 44-46].

With respect to claim 19, Lefevre further teaches a method of producing a stack [Fig. 2, 50] of material sheets, which comprises the following sequential steps [Col. 3, lines 3-19]: applying a first web [Fig. 6, 363] of adjacent individual material sheets to a second web [Fig. 6, 362] of adjacent individual material

sheets so that a longitudinal part of the first web overlaps a longitudinal part of the second web and so that the first material sheet [Fig. 6, 363] in the first web overlaps the first material sheet [Fig. 6, 362] in the second web with a panel [Fig. 6, 342] of the respective material sheets; said panel comprising a rectangle delimited by a longitudinal folding line and a transverse folding line; folding the underlying web of said webs on a longitudinal folding line so that the material sheets of said underlying web will enclose a part of the material sheets of the first web [disclosed in Fig. 6]; folding the first web around a longitudinal folding line so that the material sheets of said first web will enclose a part of the material sheets of the first-mentioned sheet; folding the structure folded in the longitudinal direction is folded together in the transverse direction on at least one transverse folding line in each individual material sheet so that a stack of material sheets is formed.

With respect to claim 20, Lefevre teaches that the material sheets in the respective first [Fig. 6, 363] and second [Fig. 6, 362] web are separated from one another by a mutual spacing [the spacing between panel 342 and 323 in Fig. 6] and, in connection with the webs combined with one another, the first material sheet [Fig. 6, 363] in the first web overlaps the first material sheet [Fig. 6, 362] in the second web with a panel [Fig. 6, 342] of the respective material sheets; said panel comprising a rectangle delimited by a longitudinal folding line and a transverse folding line.

With respect to claim 22, Lefevre teaches that the longitudinal folding line [Fig. 2, 281, 282, 283] in the material sheets of at least one web is arranged so that it runs along a centre line in said web.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 8-11, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefevre Du Grosriez et al., Patent No. 6,602,575. Lefevre teaches a stack and method for stacking folded supple sheets. With respect to claim 3, an eight of the total area is achieved by one additional longitudinal folding of reference, which is already folded in one-quarter panels, and thus could easily be achieved by one of ordinary skill in the art if so desired.

With respect to the limitation of a surface area of a material sheet in claims 8-11, a surface area in an unfolded state of $100 \text{ cm}^2 - 1500 \text{ cm}^2$ and between $25 \text{ cm}^2 - 375 \text{ cm}^2$ in an interfolded state is very common in the art. Furthermore, it has been held that where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experiment. In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

With respect to claim 13, it would have been obvious to one of ordinary skill in the art that if the rectangular material sheet is dispensed partially, then the corner most portion exiting the slot first will be triangular. Additionally, many square boxes that dispense sheets usually have a diagonal slot which will allow for a triangular corner most portion.

With respect to claim 21, Lefevre teaches that the material sheets in the respective webs are arranged at a mutual spacing [the spacing between panel 342 and 323 in Fig. 6] corresponding to half the length of the material sheet [This thickness to length ratio will be determined by the user selection of the thickness of the original sheet].

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefevre Du Grosriez et al., Patent No. 6,602,575, in view of Heathcock et al., Patent No. 6,012,572. Lefevre teaches a longitudinal center line, but does not disclose that at least one longitudinal folding line is somewhat displaced in relation to the longitudinal center line in at least one of the two consecutive material sheets. Heathcock teaches a facial tissue dispensing system for dispensing large tissues. With respect to claim 5, the dispensing system comprises a stack of tissues [Fig. 11, 60] wherein at least one longitudinal folding line [Fig. 11, 76, 78] is somewhat displaced in relation to the longitudinal center line in at least one of the two consecutive material sheets [Col. 6, lines 28-44].

Both teachings are related by being stacks of material sheets arranged in a dispenser. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the teachings of Heathcock, which teaches a longitudinal folding line displaced in relation to the longitudinal center line, with the stack and method for stacking folded supple sheets of Lefevre to decrease the size of the sheet in the longitudinal dimension about fold lines to fit inside the portable pack container.

With respect to claim 6, Heathcock teaches a dispensing system that comprises a stack of tissues wherein at least one transverse folding line [Fig. 8, 70, 72, 74] is somewhat displaced in relation to a corresponding transverse center line in at least one of the two consecutive material sheets [Col. 4, 42-57].

4. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefevre Du Grosriez et al., Patent No. 6,602,575, in view of Leto, Patent No. 5,678,728. Lefevre teaches a stack and method for stacking folded supple sheets, but does not disclose that the stack of material sheets is arranged in a dispenser designed as a box. With respect to claim 14, Leto teaches a dispenser for flexible sheets, wherein the stack of material sheets is arranged in a dispenser designed as a box [Col. 5, lines 14-15].

Both teachings are related by being stacks of material sheets arranged in a dispenser. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Leto, which teaches a dispenser designed as a box, with the stack and method for stacking folded supple sheets of Lefevre for the benefit of withdrawing the sheets from the box one at a time.

With respect to claim 16, Leto teaches that the stack of material sheets is arranged in a dispenser made of cardboard [Col. 2, lines 24-25].

5. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefevre Du Grosriez et al., Patent No. 6,602,575, in view of Wu, Publication No. US 2003/0213810A1. Lefevre teaches a stack and method for stacking folded supple sheets, but does not disclose that the stack of material sheets is arranged in a dispenser having two obstacles lying on the stack; said obstacles being joined by two oppositely positioned side arrangements and a bottom plate. With respect to claim 15, Wu teaches a stack of folded sheets in a dispenser [Fig. 1, 10] having two obstacles [Fig. 1, two sides of opening 17] lying on the stack; said obstacles being joined by two oppositely positioned side arrangements and a bottom plate [Fig. 3, 26].

Both teachings are related by being stacks of material sheets arranged in a dispenser. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wu, which teaches a dispenser having two obstacles, with the stack and method for stacking folded supple sheets of Lefevre for the benefit of withdrawing the sheets from the dispenser one at a time.

With respect to claim 18, Wu teaches that the stack of material sheets is arranged in a dispenser [Fig. 3, 10] having a bottom plate [Fig. 3, 26] which is coated with an attachment means [Page 1, Paragraph 16].

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6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lefevre Du Grosriez et al., Patent No. 6,602,575, in view of Wu, Publication No. US 2003/0213810A1 as applied to claim 15 above, and further in view of Leto, Patent No. 5,678,728. Lefevre Du Grosriez and Wierschke do not disclose that the stack of material sheets is arranged in a dispenser made of metal. Leto teaches that the stack of material sheet is arranged in a dispenser made of metal [Col. 2, lines 24-27].

All three teachings are related by being stacks of material sheets arranged in a dispenser. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Leto, which teaches a metal dispenser, with the dispensers of Lefevre modified by Wierschke to provide a dispenser from which flexible sheets can be easily withdrawn one at a time.

7. **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dharti H. Patel whose telephone number is 571-272-8659. The examiner can normally be reached on 8:30am - 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800, Ext. 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DHP
01/17/2006



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PRIMARY EXAMINER